

## **REMARKS**

### **Amendments to the claims**

Claim 1 has been amended to state that it is directed to a “*motor vehicle seat*” rather than a “back supporting device for a motor vehicle seat.” The other amendments to Claim 1 conform the rest of the claim to this change and remove surplus language. This amendment is supported by the application as filed, and in particular Figs 2-4 and the corresponding portion of the specification.

Claims 2-7 have been amended to conform to the amendment to Claim 1 to state that these claims are directed to a “motor vehicle seat” rather than a “back supporting device for a motor vehicle seat.”

New Claims 8-14 are presented in order to further particularly point out and distinctly claim the invention, as discussed below. New Claim 8 is independent and Claims 9-14 are dependent claims. No fee is due for the presentation of the new claims. This application was filed with one independent claim and seven claims overall and the new claims are the first presented since the filing of the application.

No new matter has been added by any of the amendments.

### **Rejection under 35 U.S.C. 112**

Claims 1-7 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention because Claim 1 contains a limitation concerning “the relationship of the distance between the sliding rails with respect to the passenger seat portion, since the invention appeared to be drawn solely to the back supporting device.” The claims have been amended to more particularly point out and distinctly claim the invention by stating that the claimed subject matter is a “motor vehicle seat” rather than a “back supporting device for a motor vehicle seat.” The Applicant respectfully submits that the Section 112 rejection of Claims 1-7 has been overcome. This rejection should be withdrawn.

### **Rejection Under 35 U.S.C. 102(b)**

Claims 1-7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Smuk (US 6,336,679). To anticipate a claim, the reference must teach every element of the claim and the elements in the reference must be arranged as required by the claim. M.P.E.P. § 2131. Smuk,

however, does not teach or suggest at least two limitations of Claim 1. For at least this reason, the rejection of Claim 1 and its dependent Claims 2-7 over Smuk should be withdrawn.

In general, Claim 1 is addressed to a “motor vehicle seat, comprising: a driver seat portion disposed at a front portion of the motor vehicle seat; a passenger seat portion disposed immediately behind the driver seat portion, the passenger seat portion having a front end, a rear end, and a width that is reduced gradually from the front end to the rear end; and a back supporting device” comprising, *inter alia*, a “pair of hollow left and right sliding rails [are] disposed respectively and fixedly on two opposite sides of the passenger seat portion such that said left and right sliding rails extend from the front end of the passenger seat portion to the rear end of the passenger seat portion, said left and right sliding rails being spaced apart from each other by a distance along a transverse direction of the motor vehicle seat, *the distance being reduced gradually from the front end of the passenger seat portion to the rear end of the passenger seat portion.*” This feature is not taught or suggested by Smuk.

The left and right seat track assemblies 28a and 28a' of Smuk are clearly parallel, as can be seen in Figs. 1, 2, and 8 of Smuk and the related sections of the specification of Smuk. The left and right seat track assemblies 28a and 28a' of Smuk have to be parallel in order to permit Smuk's vehicle seat assembly 20 to slide forwards and back.

Smuk's vehicle seat assembly 20 includes both a seat cushion member 30 and a seat back member 40. The seat back member 40 of Smuk pivots about axis “Z” (see FIG. 1 of Smuk) towards and away from the seat cushion member 30. It does not slide with respect to the seat cushion member 30 and is not adapted to accommodate its movement to any differing width of the seat cushion member 30. In fact, Smuk's vehicle seat assembly 20 contains no provision for allowing any sideways expansion or contraction. Crossbar member 54 pivotally mounted in brackets 56 and 56' attached to upper seat track assemblies 28b and 28b' (Smuk, col. 7, lines 16-20 and FIG. 9) and seat back member 40, comprising frame member 42 “rigidly attached at opposite lateral sides to right 44 and left 44' seat back mounting brackets” (Smuk, col. 7, lines 55-58 and FIG. 2) would prevent such motion.

Claim 1 also provides “two supporting frames having upper ends, and lower ends that are connected respectively and pivotally to said connecting members of said slide units such that

said upper ends of said supporting frames can pivot toward and away from each other about the pivotal connection of the lower ends.” Smuk does not teach or suggest this element. Smuk’s seat back member 40 is pivotally mounted on the seat cushion brackets 33 and 33’ attached to the track assembly sections 28b and 28b’ so that the seat back member 40 can rotate forward and backward at pivot bushings 62 about the substantially horizontal pivot axis “Z” (Smuk, col. 8, lines 54-60 and FIG. 2) . It does not and cannot rotate in order to accommodate non-parallel tracks and Smuk does not provide such tracks.

For at least these reasons Smuk does not teach or suggest the invention of Claim 1. The Applicant respectfully requests that the Section 102(b) rejection of this claim be withdrawn.

Claims 2-7 depend on Claim 1 and therefore are patentable over Smuk as well at least by virtue of their dependency on Claim 1, without considering the additional limitations these claims contain that were not addressed in the Office Action. The rejection of these claims should also be withdrawn.

#### New Claims

New Claims 8-14 are based on Claims 1-7 but do not include the limitation distinguishing passenger from driver seat portions. The new claims 8-14 are broader in that they refer to a “seat portion.” New Claims 8-14 are supported by the drawings and specification. New Claims 8-14 are allowable for at least the same reasons given for Claim 1-7.

#### **Allowable Subject Matter**

Claims 1-7 are allowable because the rejections over Sections 112, Second Paragraph, and 102(b) have been overcome as described above.

New Claims 8-14 are also allowable as described above.

In view of the above, the Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

\* \* \*

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely

filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

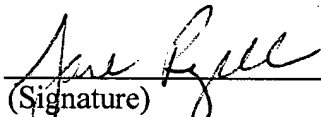
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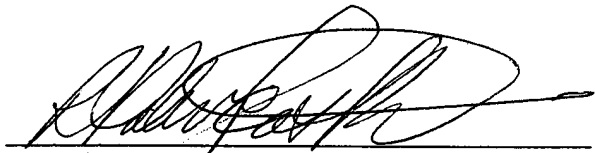


(Signature)

December 13, 2005

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Respectfully submitted,



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